उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

22

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR

M. A. NO.216 OF 2004

APPELLANT Defendant No.3	Oriental Insurance Company Ltd., Jagdalpur, through Divisional Office, Bilaspur (C.G.)
Vs	
RESPONDENTS **Claimant**	1. Smt. Jamna, W/o Late Sai Das, C/o Son Singh, S/o Sukru, R/o Palligaon, P.S. Parpa, District Bastar (C.G.)
Defendant No.1	2. Driver Sada Jha, S/o Made Jha, C/o Bhola Jha, S/O Sadanand Jha, Bela Bazar Para, Jagdalpur (C.G.) Driver
Defendant No.2	3. Kamal Deo Jha, S/o Sadanand Jha, Bela Bazar Para, Jagdalpur (C.G.) Owner

Present:
Mr. Prashand Jaiswal, Sr. Adv. with Mr. Sankalp Jaiswal, Adv. for the appellant.
Mr. Prafull Bharat, Advcoate for respondent No.2 & 3.

ORAL JUDGMENT

(Passed on 20/04/2007)

The appellant-Insurer has preferred this appeal against the award dated 30.10.2003 passed by the 2nd Additional Motor

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(23)

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	Accident Claims Tribunal, Bastar at Jagdalpur in Claim Case No.192/2002 whereby compensation of Rs.80,000/- has been awarded to the claimant/respondent No.1 towards the death of her 11 years daughter namely Kumari Samriddhi. The ground taken by the appellant-insurance company is that while assessing the compensation, the age of deceased has not been taken into consideration and an excessive compensation has been awarded to the claimant for the death of her 11 years old daughter. From perusal of the record of the tribunal it is found that the appellant has not taken permission under Section 170 of the Motor Vehicles Act, 1988 to contest the claim on other grounds and therefore, it is not open to the appellant to challenge the impugned award on the ground that the same is excessive. In the light of the fact, that no permission under Section 170 of the Motor Vehicles Act, 1988 was granted to the appellant by the tribunal to contest the claim, the appeal being devoid of substance liable to be dismissed and accordingly, it is hereby dismissed with cost. **Sd/-** **Dhirendra Mishra** **Judge**	
Roshan/-		

P.T.O.